

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Roberto Herrera
Angela M Herrera

Debtor(s)

Case No.: 17-10142
Judge: Gambardella
Chapter: 13

AMENDED CHAPTER 13 PLAN AND MOTIONS

☐ Original
☒ Motions Included

☐ Modified/Notice Required
☒ Modified/No Notice Required

☒ Discharge Sought
☐ No Discharge Sought

Date: 4/10/17

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM

Part 1: Payment and Length of Plan

a. The Debtor shall pay 90.00 Monthly to the Chapter 13 Trustee, starting on February 2017 for 3 months and \$282 for the remaining months approximately 57 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description: _____
Proposed date for completion: _____
- ☐ Refinance of real property
Description: _____
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property
Description: _____
Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Michelle Labayen 2960	Attorney Fees	2,000.00
Internal Revenue Service	Taxes and certain other debts	0.00
New Jersey Gross Income Tax	Taxes and certain other debts	0.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
HSBC Bank USA, National Association as TRustee for Merrill Lynch Mortgage Investors, Inc. Mortgage Pass Through Certificates Series 2007-A2	3-37 31st Street Fairlawn NJ 07410	\$8721.98			\$2523

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Specialized loan Servicing	3-37 31st Street Fair Lawn NJ 07410	\$63,2327	\$350,000	\$357,233	0		0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
			0.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

~~Specialized Loan Servicing (First Mortgage)~~

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$____ to be distributed *pro rata*

____ Not less than __ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
	preferential payment	Pro Rata	\$4000

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Specialized Loan Servicing	3-37 31st Street Fair Lawn Nj 07410	\$63,327.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☐ Upon Confirmation
☒ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below.

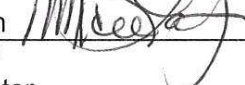
Date of Plan being modified: _____

Explain below why the Plan is being modified. to provide for preferential payment to unsecured creditors	Explain below how the Plan is being modified pro rata
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Are Schedules I and J being filed simultaneously with this modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date April 10 2017 /s/ Michelle Labayen 
Michelle Labayen 2960
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 10 ,2017 /s/ Roberto Herrera 
Roberto Herrera
Debtor

Date: April 10, 2017 /s/ Angela M Herrera 
Angela M Herrera
Joint Debtor

Certificate of Notice Page 6 of 6
 United States Bankruptcy Court
 District of New Jersey

In re:
 Roberto Herrera
 Angela M Herrera
 Debtors

Case No. 17-10142-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 17

Date Rcvd: Apr 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2017.

db/jdb +Roberto Herrera, Angela M Herrera, 3-37 31st Street, Fair Lawn, NJ 07410-3941
 cr +Synchrony Bank c/o PRA Receivables Management, LLC, PO BOX 41021, Norfolk, VA 23541-1021
 516578917 +Equifax, POB 740241, Atlanta, GA 30374-0241
 516578918 +Experian, 475 Anton Blvd, Costa Mesa, CA 92626-7037
 516578919 +GEICO Insurance, Geico Remittance, One Geico Plaza, Bethesda, MD 20811-0002
 516617647 +HSBC Bank USA, N.A., Trustee(See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516578921 +Lazarus Fina, 2301 N Central Expy Ste, Plano, TX 75075-2535
 516578922 +New Jersey Gross Income Tax, P.O Box 046, Trenton, NJ 08646-0046
 516578923 +Pmichaelmk, 15916 Union Tpke Ste 302, Flushing, NY 11366-1955
 516578924 +Specialized Loan Servi, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
 516578925 +Transunion, POB 2000, Crum Lynne, PA 19022-2000
 516654329 +U.S. Bank National Association, Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Apr 12 2017 22:24:02 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Apr 12 2017 22:24:00 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516578916 +Fax: 602-659-2196 Apr 12 2017 22:56:49 Chex System, 7805 Hudson Road, suite 100,
 Saint Paul, MN 55125-1703
 516578920 E-mail/Text: cio.bncmail@irs.gov Apr 12 2017 22:23:27 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 516657322 +E-mail/PDF: gecsed@recoverycorp.com Apr 12 2017 22:28:24 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 TOTAL: 5

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 11, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor U.S. Bank National Association, as Indenture Trustee
 of the GMACM Home Equity Loan Trust 2006- HE4 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Denise E. Carlon on behalf of Creditor HSBC Bank USA, National Association as Trustee for
 Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MANA Series 2007-A2
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Michelle Labayen on behalf of Joint Debtor Angela M Herrera njchapter7@gmail.com,
 benitezgiovanna@gmail.com
 Michelle Labayen on behalf of Debtor Roberto Herrera njchapter7@gmail.com,
 benitezgiovanna@gmail.com
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6